

E-FILED ON JUNE 9, 2006

Annette W. Jarvis, Utah Bar No. 1649  
 RAY QUINNEY & NEBEKER P.C.  
 36 South State Street, Suite 1400  
 P.O. Box 45385  
 Salt Lake City, Utah 84145-0385  
 Telephone: (801) 532-1500  
 Facsimile: (801) 532-7543  
 Email: [ajarvis@rqn.com](mailto:ajarvis@rqn.com)

and

Lenard E. Schwartz  
 Nevada Bar No. 0399  
 Jeanette E. McPherson  
 Nevada Bar No. 5423  
 Schwartz & McPherson Law Firm  
 2850 South Jones Boulevard, Suite 1  
 Las Vegas, Nevada 89146-5308  
 Telephone: (702) 228-7590  
 Facsimile: (702) 892-0122  
 E-Mail: [bkfilings@s-mlaw.com](mailto:bkfilings@s-mlaw.com)  
 Attorneys for Debtors

**UNITED STATES BANKRUPTCY COURT  
 DISTRICT OF NEVADA**

In re:  
 USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

In re:  
 USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

In re:  
 USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,  
 Debtor.

In re:  
 USA CAPITAL FIRST TRUST DEED FUND, LLC,  
 Debtor.

In re:  
 USA SECURITIES, LLC,  
 Debtor.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

Case Nos. BK-S-06-10725 LBR  
 Case Nos. BK-S-06-10726 LBR  
 Case Nos. BK-S-06-10727 LBR  
 Case Nos. BK-S-06-10728 LBR  
 Case Nos. BK-S-06-10729 LBR

Chapter 11

**EX PARTE APPLICATION FOR  
 ORDER SHORTENING TIME TO  
 HEAR MOTION TO REMOVE  
 FERTITTA ENTERPRISES, INC. AS  
 MEMBER OF OFFICIAL  
 COMMITTEE OF HOLDERS OF  
 EXECUTORY CONTRACT RIGHTS  
 (AFFECTS USA COMMERCIAL  
 MORTGAGE COMPANY)**

Date: OST Requested for June 21, 2006  
 Time: OST Requested for 9:30 a.m.

**SCHWARTZER & MCPHERSON LAW FIRM**  
 2850 South Jones Boulevard, Suite 1  
 Las Vegas, Nevada 89146-5308  
 Tel: (702) 228-7590 · Fax: (702) 892-0122

1 Jeanette E. McPherson, Esq. of Schwartzer & McPherson Law Firm, attorney for the above  
 2 captioned debtors and debtors in possession (collectively "USA" or the "Debtors"), hereby files  
 3 this Application For An Order Shortening Time To Hear Motion To Remove Fertitta Enterprises  
 4 As Member of Official Committee of Holders of Executory Contract Rights and in support thereof  
 5 states as follows:

6 1. A Motion To Remove Fertitta Enterprises As Member of Official Committee of  
 7 Holders of Executory Contract Rights (the "Motion") has been filed. This Motion respectfully  
 8 requests that the Court order the U.S. Trustee to change the composition of the Executive  
 9 Contracts Committee ("ECC") by removing Fertitta Enterprises, Inc., acting through its corporate  
 10 secretary and treasurer William J. Bullard, as a member of the ECC and appointing a replacement.

11 2. Notice can be shortened pursuant to Bankruptcy Rule 9006(c)(1) and LR 9006(a).

12 3. The Motion is requested to be heard on shortened time because the presence of  
 13 Fertitta Enterprises, Inc. on the Committee may greatly affect the negotiations concerning a plan  
 14 of reorganization which should take place in July, 2006. Omnibus hearings are currently  
 15 scheduled in this matter on June 21, 2006 at 9:30 a.m. and the Debtor respectfully requests that the  
 16 Motion be heard on June 21, 2006. Holding a hearing on the Motion at the same time would serve  
 17 the interests of judicial economy. Further, the next hearing scheduled in this case is not until July  
 18 25, 2006, well after the time negotiations concerning a plan are anticipated to occur.

19 Dated: June 9, 2006

20 /s/ JEANETTE E. MCPHERSON

21 Lenard E. Schwartzer, Nevada Bar No. 0399  
 22 Jeanette E. McPherson, Nevada Bar No. 5423  
 23 SCHWARTZER & MCPHERSON LAW FIRM  
 24 2850 South Jones Boulevard, Suite 1  
 25 Las Vegas, Nevada 89146

26 and

27 Annette W. Jarvis, Utah Bar No. 1649  
 28 RAY QUINNEY & NEBEKER P.C.  
 36 South State Street, Suite 1400  
 P.O. Box 45385  
 Salt Lake City, Utah 84145-0385

SCHWARTZER & MCPHERSON LAW FIRM  
 2850 South Jones Boulevard, Suite 1  
 Las Vegas, Nevada 89146-5308  
 Tel: (702) 228-7590 · Fax: (702) 892-0122